
**State Government Operations &
Accountability Committee**

HB 1751

Brief Description: Requiring absentee ballots to reach the auditor by election day.

Sponsors: Representatives Shabro, Haigh, Darneille, Schual-Berke and Linville; by request of Secretary of State.

Brief Summary of Bill

- Allows absentee ballot counting to begin no earlier than 8:00 a.m. on the Monday before the day of the primary or election.
- Requires voted absentee ballots to be received on or before the close of polls on the day of the primary or election in order to be counted.
- Requires the county auditor, within 20 days before the next primary or election, to notify any voter whose absentee ballot was not counted because the ballot was not returned within the time requirements.

Hearing Date: 2/18/05

Staff: Hannah Lidman (786-7291).

Background:

Any registered voter of the state or any out-of-state voter, overseas voter, or service voter may vote by absentee ballot in any general election, special election, or primary. A registered voter may request an absentee ballot for a single primary or election, or may request to vote absentee on an ongoing basis. The county auditor must send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, and a larger return envelope.

County auditors are required to have sufficient absentee ballots ready to mail to absentee voters at least 20 days before any primary, general election, or special election. If absentee voters return their voted ballots by mail, the ballot must be postmarked not later than the date of the primary or election. Otherwise, the ballots must be deposited at the county auditor's office not later than 8:00 p.m. on the date of the primary or election.

For any primary or election, absentee ballots' return envelopes may be opened and processed beginning on or after the tenth day before the primary or election. After opening the return

envelope, a member of the county canvassing board must place ballots in secure storage until after 8:00 p.m. on the day of the primary or election.

Tabulation of absentee ballots may not begin until after 8:00 p.m. on the day of the primary or election. Certification of results occurs 10 days after a primary or special election and 15 days after a general election.

County auditors are not required to contact voters whose absentee ballots were not counted because the ballots were not received on or postmarked by election day.

Summary of Bill:

Tabulation of absentee ballots may begin after 8:00 a.m. on the Monday immediately before the day of the primary or election. All counted absentee ballots are required to be held in secrecy until the polls have closed on election day. The ballots must be placed in secure storage by the county canvassing board or a designated representative of the board.

An absentee ballot may be counted only if the ballot was delivered to the office of the county auditor, a poll site, or a designated place prior to the close of polls on the day of the primary or election. The county auditor is required to notify, within 20 days before the next primary or election, all absentee voters whose ballots were not counted because the ballots were not received by the close of polls on election day.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.